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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213286
Party	Plaintiff Starbuzz Tobacco, Inc.
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EXHIBIT D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark
Application Serial No. 85/846,992
Mark: MOCHA MIST
Filed: February 12, 2013
Published: July 9, 2013

STARBUZZ TOBACCO, INC.

Opposer,

v.

SIS RESOURCES LTD.

Applicant.

Opposition No. 91213286

**APPLICANT'S RESPONSES AND OBJECTIONS TO OPPOSER'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant SIS Resources Ltd. (hereinafter "SIS Resources" or "Applicant"), by and through counsel, objects and responds to Opposer Starbuzz Tobacco, Inc.'s (hereinafter "Opposer") First Requests for Production of Documents as set forth below. SIS Resources will produce representative non-privileged documents in its possession responsive to these Requests at a time and place mutually agreed upon by the Parties.

GENERAL OBJECTIONS

A. SIS Resources responds to each Request for Production of Documents subject to the general objections set forth herein. These limitations and objections form a part of the response to each Request. These limitations and objections may be specifically referred to in a

response to certain Requests for the purpose of clarity. However, the failure to incorporate specifically a general objection is not a waiver of such objection.

B. SIS Resources objects to the definition of "SIS" in Paragraph 2 on page 2 of Opposer's First Requests for Production of Documents as the term is overly broad and unduly burdensome. For its responses and objections, SIS Resources takes the term "SIS" to mean SIS Resources, the named Applicant in the above-captioned proceeding.

C. SIS Resources objects to the terms "all," "any," "each," "describe," "identify," and "relating" as the terms are vague and ambiguous, overly broad and unduly burdensome, and incorporate multiple subparts into the Requests.

D. SIS Resources objects to Opposer's First Requests for Production of Documents, including but not limited to the definitions to Opposer's First Request for Production of Documents on pages 2-6, to the extent that they purport to impose obligations or actions beyond those required by the Rules of Practice in Trademark Cases (*i.e.*, 37 C.F.R. Part 2), the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), and the Federal Rules of Civil Procedure. SIS Resources responds to the Requests only to the extent required thereby and subject to the above-stated objection.

E. SIS Resources objects to the Requests to the extent that they seek production or disclosure of privileged information. SIS Resources will not produce or disclose documents or information considered to be the subject of attorney-client privilege, the work product doctrine, or any other applicable claim, law, or rule of privilege or immunity ("privileged information") in response to the Requests, and SIS Resources' responses exclude all privileged information.

F. SIS Resources objects to the Requests to the extent that they seek the production or disclosure of confidential information and documents, including trade secret privilege information ("confidential information").

G. SIS Resources objects to the Requests to the extent that they request the production or disclosure of information that is neither relevant to the subject matter involved in the pending Opposition nor reasonably calculated to lead to the discovery of admissible evidence.

H. SIS Resources objects to the Requests to the extent that they seek information or documents from an indefinite period of time.

I. SIS Resources objects to the Requests to the extent that they are vague and ambiguous and overly broad and unduly burdensome.

J. SIS Resources objects to the Requests to the extent that they contain two or more subparts and should therefore be considered two or more separate Requests as stated under the Rules of Practice in Trademark Cases, the TBMP, and the Federal Rules of Civil Procedure.

K. In making these objections, SIS Resources does not waive or intend to waive (a) any objection as to competency, relevancy, materiality, or admissibility of any information that may be produced or disclosed in response to the Requests; (b) any right to object on any ground to the use of any information that may be produced or disclosed in response to the Requests, or the subject matter thereof, at any subsequent proceeding, including the hearing for this or any other action; and (c) all rights to object on any ground to any Request or any other discovery request.

L. SIS Resources' failure to object on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional ground.

M. SIS Resources reserves the right to amend or supplement its responses as additional information is learned during further investigation and discovery.

Subject to and without waiving the foregoing objections, SIS Resources responds to the Requests as follows:

FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1:

Produce all Documents sufficient to identify SIS's relationship with Green Smoke, Inc.

RESPONSE TO REQUEST NO. 1:

SIS Resources objects to Request No. 1 to the extent that it is irrelevant, overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 1 to the extent that it seeks privileged and confidential information.

REQUEST NO. 2:

Produce all Documents sufficient to identify SIS's relationship with Sammy Capuano.

RESPONSE TO REQUEST NO. 2:

SIS Resources objects to Request No. 2 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 2 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 3:

Produce all Documents sufficient to identify SIS's relationship with Silicon Innovations, Inc.

RESPONSE TO REQUEST NO. 3:

SIS Resources objects to Request No. 3 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 3 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 4:

Produce all Documents sufficient to identify SIS's relationship with Sorsa Holdings, Inc.

RESPONSE TO REQUEST NO. 4:

SIS Resources objects to Request No. 4 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 4 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 5:

Produce all Documents sufficient to identify SIS's relationship with Ori E. Adivi.

RESPONSE TO REQUEST NO. 5:

SIS Resources objects to Request No. 5 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 5 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 6:

Produce all Documents sufficient to identify SIS's relationship with Robert Levitz.

RESPONSE TO REQUEST NO. 6:

SIS Resources objects to Request No. 6 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 6 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 7:

Produce all Documents sufficient to identify SIS's relationship with Gs Vapors, Inc.

RESPONSE TO REQUEST NO. 7:

SIS Resources objects to Request No. 7 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 7 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 8:

Produce all Documents sufficient to identify SIS's relationship with Reuven Levitz.

RESPONSE TO REQUEST NO. 8:

SIS Resources objects to Request No. 8 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 8 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 9:

Produce all Documents sufficient to identify SIS's relationship with GS Sorsa, Inc.

RESPONSE TO REQUEST NO. 9:

SIS Resources objects to Request No. 9 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 9 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 10:

Produce all Documents sufficient to identify SIS's relationship with Sorsa Holdings, Inc.

RESPONSE TO REQUEST NO. 10:

SIS Resources objects to Request No. 10 on the grounds that it is duplicative of Request No. 4. SIS Resources also objects to Request No. 10 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources further objects to Request No. 10 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 11:

Produce all Documents sufficient to identify SIS's relationship with Reuven Ravitz.

RESPONSE TO REQUEST NO. 11:

SIS Resources objects to Request No. 11 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 11 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 12:

Produce all Documents sufficient to identify SIS's relationship with Fine Wine and Flowers, Inc.

RESPONSE TO REQUEST NO. 12:

SIS Resources objects to Request No. 12 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 12 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 13:

Produce all Documents sufficient to identify SIS's corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 13:

SIS Resources objects to Request No. 13 to the extent that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 13 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources will produce non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 14:

Produce all Documents sufficient to identify Green Smoke, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 14:

SIS Resources objects to Request No. 14 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of

admissible evidence. SIS Resources also objects to Request No. 14 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 15:

Produce all Documents sufficient to identify Sorsa Holdings, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 15:

SIS Resources objects to Request No. 15 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 15 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 16:

Produce all Documents sufficient to identify Gs Sorsa, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 16:

SIS Resources objects to Request No. 16 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 16 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 17:

Produce all Documents sufficient to identify Gs Vapors, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 17:

SIS Resources objects to Request No. 17 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 17 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 18:

Produce all Documents sufficient to identify Silicon Innovations, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 18:

SIS Resources objects to Request No. 18 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 18 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 19:

Produce all Documents sufficient to identify Fine wine and flowers, Inc.'s corporate structure including articles of incorporation, identities of corporate officers, shareholders and owners of all stock classes.

RESPONSE TO REQUEST NO. 19:

SIS Resources objects to Request No. 19 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 19 on the grounds that it seeks privileged and confidential information.

REQUEST NO. 20:

Produce all Documents sufficient to show the first date of use of the mark MOCHA MIST in commerce anywhere in the world.

RESPONSE TO REQUEST NO. 20:

SIS Resources objects to Request No. 20 to the extent that it is not reasonably restricted in geographic scope, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 20 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources will produce non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 21:

Produce all Documents that describe how SIS adopted the MOCHA MIST mark, including the identity of all alternative marks considered by SIS before selecting MOCHA MIST Mark and the reason such alternative marks were rejected.

RESPONSE TO REQUEST NO. 21:

SIS Resources objects to Request No. 21 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental

impressions and legal opinions of counsel. SIS Resources also objects to Request No. 21 on the grounds that it seeks privileged and confidential information. SIS Resources further objects to Request No. 21 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, SIS Resources will produce non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 22:

Produce all Documents that identify any and all domain names registered by or associated with SIS that incorporate or include the MOCHA MIST Mark.

RESPONSE TO REQUEST NO. 22:

SIS Resources objects to Request No. 22 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 22 on the grounds that it is vague and ambiguous with its reference to "associated with SIS." SIS Resources further objects to Request No. 22 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 23:

Produce all Documents that identify by address each location in which SIS is in fact doing business.

RESPONSE TO REQUEST NO. 23:

SIS Resources objects to Request No. 23 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 23 on the grounds that it is vague and ambiguous with its reference to "in fact doing business."

Subject to and without waiving the foregoing objections, SIS Resources will produce non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 24:

Produce all Documents that identify by address each location in which SIS has done business in the past.

RESPONSE TO REQUEST NO. 24:

SIS Resources objects to Request No. 24 on the grounds that it is irrelevant, not reasonably restricted in time, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 24 on the grounds that it is vague and ambiguous with its references to "has done business" and "past."

REQUEST NO. 25:

Produce all Documents that identify any and all locations, including geographic areas or territories, in which SIS intends to market any product any product [sic]/service under the MOCHA MIST Mark in the future.

RESPONSE TO REQUEST NO. 25:

SIS Resources objects to Request No. 25 on the grounds that it seeks privileged and confidential information. SIS Resources also objects to Request No. 25 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 25 on the grounds that it is irrelevant, overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 26:

Produce all Documents that identify any periods of discontinuance of use of the mark MOCHA MIST.

RESPONSE TO REQUEST NO. 26:

SIS Resources object to Request No. 26 to the extent it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 26 to the extent that it seeks privileged and confidential information. SIS Resources further objects to Request No. 26 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 27:

Produce all Documents that specify the manner and goods/services in which the MOCHA MIST Mark has been used or is used being used.

RESPONSE TO REQUEST NO. 27:

SIS Resources objects to Request No. 27 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 27 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources will produce a representative sample of non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 28:

Produce all Documents that describe in detail the circumstances surrounding SIS's decision to expand or change its selection of products/services offered under or in connection with the MOCHA MIST Mark.

RESPONSE TO REQUEST NO. 28:

SIS Resources objects to Request No. 28 on the grounds that it is vague and ambiguous with its reference to "decision to expand or change its selection of products/services." SIS Resources also objects to Request No. 28 to the extent that it seeks privileged and confidential information. SIS Resources further objects to Request No. 28 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. Additionally, SIS Resources objects to Request No. 28 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 29:

Produce all Documents that identify all person(s) who have or have had any input whatsoever in selecting MOCHA MIST Mark.

RESPONSE TO REQUEST NO. 29:

SIS Resources objects to Request No. 29 on the grounds that it is vague and ambiguous and calls for speculation with its reference to "all person(s) who have or have had any input whatsoever." SIS Resources also objects to Request No. 29 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources further objects to Request No. 29 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. Additionally, SIS Resources objects to Request No. 29 to the extent that it seeks privileged and confidential information.

REQUEST NO. 30:

Produce all Documents that identify by name all affiliated companies of SIS, past and present, including without limitation, all subsidiaries, parent companies, franchisees, franchisors, licensors, licensees, retailers, distributors and all otherwise affiliated companies.

RESPONSE TO REQUEST NO. 30:

SIS Resources objects to Request No. 30 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 30 on the grounds that it seeks privileged and confidential information. SIS Resources further objects to Request No. 30 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel.

REQUEST NO. 31:

Produce all Documents that identify all agreements entered into by SIS relating to or referring to the MOCHA MIST Mark, including without limitation, all assignments, coexistence agreements, consent agreements, licenses, franchise agreements, distribution agreements, fundraising agreements and other agreements.

RESPONSE TO REQUEST NO. 31:

SIS Resources objects to Request No. 31 to the extent that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 31 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 31 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 32:

Produce all Documents that identify all searches, investigations or any opinions conducted concerning availability and possible conflicts arising out of SIS's usage, adoption or registerability of the MOCHA MIST Mark or other mark incorporating the term "MIST" in connection with any goods or services.

RESPONSE TO REQUEST NO. 32:

SIS Resources objects to Request No. 32 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources also objects to Request No. 32 on the

grounds that it seeks privileged and confidential information. SIS Resources further objects to Request No. 32 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 33:

For each search, investigation or opinion identified in Interrogatory No. 32, specify the date on which each search, investigation, or opinion was performed or rendered and the person(s) conducting such search or investigation or rendering such opinion.

RESPONSE TO REQUEST NO. 33:

SIS Resources objects to Request No. 33 on the grounds that it is not a request for production of documents. SIS Resources also objects to Request No. 33 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 33 on the grounds that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 33 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 34:

Produce all Documents that identify any survey, poll or study conducted or caused to be conducted, on a formal or informal basis, relating to SIS's usage of the MOCHA MIST Mark or other mark incorporating the term "MIST" in connection with the marketing, advertising,

promotion, identification, sale, or distribution of any goods or services, including, but not limited to, any survey, poll or study involving possible confusion with any marks used by Petitioner.

RESPONSE TO REQUEST NO. 34:

SIS Resources objects to Request No. 34 on the grounds that it is vague and ambiguous with its reference to "Petitioner." SIS Resources also objects to Request No. 34 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 34 to the extent that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 34 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 35:

For each survey, poll or study identified in Interrogatory No. 34, produce all Documents that identify the date of each survey, poll or study and the names and addresses of each person involved in conducting the survey, poll or study.

RESPONSE TO REQUEST NO. 35:

SIS Resources objects to Request No. 35 on the grounds that it is vague and ambiguous with its reference to "Petitioner." SIS Resources also objects to Request No. 35 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 35 to the extent that it seeks privileged and confidential information.

Additionally, SIS Resources objects to Request No. 35 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, SIS Resources states that it is unaware of responsive documents.

REQUEST NO. 36:

Produce all Documents that Describe all circumstances surrounding Applicant's first knowledge of Opposer, including officers' directors' [sic] first knowledge, including the names, addresses, relationship to SIS, and dates of employment, if applicable, of all persons known to SIS having such knowledge, the earliest date that each such person gained such knowledge, and the means by which each such person gained such knowledge, including identification of all documents or conversations relevant to the manner in which each such person gained such knowledge and communication of such knowledge to SIS.

RESPONSE TO REQUEST NO. 36:

SIS Resources objects to Request No. 36 on the grounds that it is vague and ambiguous with its reference to "first knowledge of Opposer." SIS Resources also objects to Request No. 36 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 36 to the extent that it seeks privileged and confidential information. SIS Resources further objects to Request No. 36 to the extent that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel.

REQUEST NO. 37:

Produce all Documents that identify all advertising media used by SIS in connection with any goods or services in association with the MOCHA MIST Mark, including without limitation, the Internet, newspapers, magazines, flyers and other print media, billboards, television and radio.

RESPONSE TO REQUEST NO. 37:

SIS Resources objects to Request No. 37 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 37 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources will produce a representative sample of non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 38:

Produce all Documents for each media identified in response to Interrogatory No. 37, that identify specifically the advertising channels or outlets within such medium, (e.g., website address, title, magazine or newspaper, station and/or call number or letters) to promote each good and/or service under or in association with the MOCHA MIST mark and identify the date that SIS first used the MOCHA MIST Mark in such advertising channel or outlet.

RESPONSE TO REQUEST NO. 38:

SIS Resources objects to Request No. 38 to the extent that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible

evidence. SIS Resources also objects to Request No. 38 to the extent that it seeks privileged and confidential information.

Subject to and without waiving the foregoing objections, SIS Resources will produce a representative sample of non-privileged, responsive documents, if any, at a time and place mutually convenient to the parties.

REQUEST NO. 39:

Produce all Documents that identify any trademark dispute(s), including, without limitation, litigation, opposition proceedings, cancellation proceedings, administrative domain name proceedings, and/or cease and desist requests relating to the MOCHA MIST Mark," [sic] in which SIS has ever been involved as a challenged or challenging party.

RESPONSE TO REQUEST NO. 39:

SIS Resources objects to Request No. 39 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 39 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 39 on the grounds that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 39 on the grounds that it calls for information which is readily available to Opposer from publicly available sources.

REQUEST NO. 40:

For each instance identified in response to Interrogatory No. 39, produce all Documents that summarize the substance of and response to each dispute.

RESPONSE TO REQUEST NO. 40:

SIS Resources objects to Request No. 40 on the grounds that it is irrelevant, overly broad, and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. SIS Resources also objects to Request No. 40 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 40 on the grounds that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 40 on the grounds that it calls for information which is readily available to Opposer from publicly available sources.

REQUEST NO. 41:

Produce all Documents that identify each person expected to be called during this proceeding as a witness, including all fact and expert witnesses.

RESPONSE TO REQUEST NO. 41:

SIS Resources objects to Request No. 41 on the grounds that it exceeds the scope of permissible discovery pursuant to the Federal Rules of Civil Procedure. SIS Resources also objects to Request No. 41 on the grounds that it seeks information protected by attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 41 to the extent that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 41 under TBMP § 414(7) as it requests the identification of fact witnesses and a description of evidence SIS Resources may rely upon.

Subject to and without waiving the foregoing objections, SIS Resources will produce non-privileged, responsive documents, if applicable, at the appropriate time as required under

Fed. R. Civ. P. 26(a)(2)(B) and by the deadline for expert disclosures set out in the Trademark Trial and Appeal Board's Scheduling Order.

REQUEST NO. 42:

Produce all Documents that support SIS' denial of any allegations in the notice of opposition filed by Opposer Starbuzz.

RESPONSE TO REQUEST NO. 42:

SIS Resources objects to Request No. 42 on the grounds that it is vague and ambiguous with its reference to "the notice of opposition filed by Opposer Starbuzz." SIS Resources also objects to Request No. 42 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources further objects to Request No. 42 on the grounds that it seeks privileged and confidential information. Additionally, SIS Resources objects to Request No. 42 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Moreover, SIS Resources objects to Request No. 42 under TBMP § 414(7) as it requests a description of evidence SIS Resources intends to rely upon.

REQUEST NO. 43:

Produce all Documents concerning SIS's factual and legal contentions in this opposition.

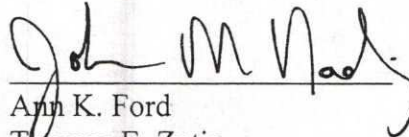
RESPONSE TO REQUEST NO. 43:

SIS Resources objects to Request No. 43 on the grounds that it seeks information protected by the attorney-client/work product privileges, including but not limited to the mental impressions and legal opinions of counsel. SIS Resources also objects to Request No. 43 on the grounds that it seeks privileged and confidential information. SIS Resources further objects to

Request No. 43 on the grounds that it is overly broad and unduly burdensome, and therefore not reasonably calculated to lead to the discovery of admissible evidence. Additionally, SIS Resources objects to Request No. 43 under TBMP § 414(7) as it requests a description of evidence SIS Resources intends to rely upon.

Dated: July 28, 2014

By:



Ann K. Ford
Thomas E. Zutic
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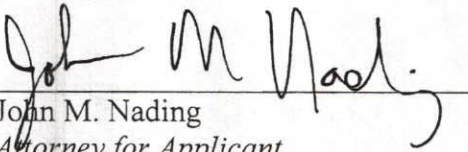
Attorneys for Applicant SIS Resources Ltd.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **APPLICANT'S RESPONSES AND
OBJECTIONS TO OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF
DOCUMENTS** was served via First Class U.S. Mail, postage prepaid, and properly addressed to
Opposer's counsel of record:

Martin E. Jurisat
Starbuzz Tobacco, Inc.
10871 Forbes Avenue
Garden Grove, California 92843

this 28th day of July, 2014.


John M. Nading
Attorney for Applicant